

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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MAR 28 2001

RECEIVED

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	CLASS	FILE NO.
09/763149	BUSKIES	C	67977.029101
INTERNATIONAL APPLICATION NO.			
PCT/EP99/06081			
I.A. FILING DATE		PRIORITY DATE	
19 AUG 99		19 AUG 98	
DATE MAILED:			

THOMAS R FITZGERALD
39 STATE STREET
ROCHESTER, NY 14614 1310

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) 26 MAR 2001

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed FEB 16 2001 and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☒ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☐ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other: _____.

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

- ☒ PCT/DO/EO/917
- ☒ Notice of Defective Translation
- ☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

John L. Anderson

Telephone: 703-308-9116



Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763149	BUSKIES	C 87977.029101
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19 AUG 99	19 AUG 98	
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THOMAS R FITZGERALD
39 STATE STREET
ROCHESTER, NY 14614 1310

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

John L. Anderson *QJA*
Telephone: 703-308-9116



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U.S. APPLICATION NO.

09/763149

ATTACHMENT TO FORM PCT/DO/EO/

905

NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated;
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same; The IA shows 61 claims. The translation shows 33.
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

John L. Anderson *JLA*

Telephone: 703-308-9116



JC08 Rec'd PCT/PTO

30 APR 2001 #4

Docket No.
87977.029101

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Christoph Buskies)	Examiner:
)	Not Assigned
Serial No.:	09/763,149)	
)	Art Unit:
Filed:	February 16, 2001)	Not Assigned
)	
For:	METHOD AND DEVICE FOR THE)	
	CONCATENATION OF AUDIOSEGMENTS,)	
	TAKING INTO ACCOUNT COARTICULATION)	

TRANSMITTAL LETTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231
Box: Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(d), which was mailed by the United States Patent and Trademark Office on **March 26, 2001**, enclosed are:

- (X) Combined Oath/Declaration with Power of Attorney
- (X) Verification of Translation/Verified Translation of Specification of the International Application, PCT/EP99/06081 (showing 61 claims)
- () Change of Correspondence Address with copy of incorrect Filing Receipt with change noted thereon
- () A Request for Extension of Time - 2 month(s)
- () A Verified Statement to Establish Small Entity Status under 37 C.F.R. §1.9 and 1.27
- (X) A Copy of the Notification of Missing Requirements Under 35 U.S.C. 371
- (X) Fees as calculated below:

Fee For Extension of Time ____ Month(s)	\$

Surcharge 37 CFR §1.16(e)	\$25.00

Additional Fees - Filing Fee	\$65.00

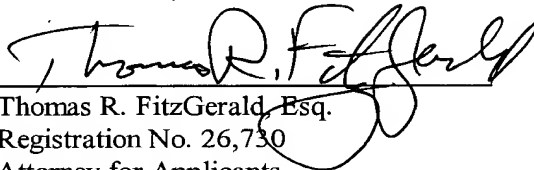
TOTAL FEES SUBMITTED HERewith	\$90.00



- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No.10-0223. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: 4/25/01


Thomas R. FitzGerald, Esq.
Registration No. 26,730
Attorney for Applicants

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Fax: (716) 262-4133

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Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<u>4/25/01</u> Date	